

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

A.G., a minor child, by and through her
mother and next of friend, K.C.; D.A., a
minor child, by and through her mother
and next of friend, B.A.; A.L., a minor
child, by and through her mother and
next of friend, C.T.; M.K., a minor child,
by and through her mother and next of
friend, K.K.; and M.H., a minor child, by
and through her mother and next of
friend, B.H.,

Plaintiffs,

v.

AUTAUGA COUNTY BOARD OF
EDUCATION; JOSEPH L. BUTLER; DENE
CLEVELAND and TERRY WRIGHT,

Defendants.

CIV. ACT. NO.: 2:05cv1090-MEF

B.H., a minor child, by and through his
mother and next of friend, D.S.,

Plaintiffs,

v.

AUTAUGA COUNTY BOARD OF
EDUCATION; JOSEPH L. BUTLER; DENE
CLEVELAND and TERRY WRIGHT,

Defendants.

CIV. ACT. NO.: 2:06cv393-SRW

PLAINTIFF'S MOTION TO SET ASIDE ORDER

Plaintiffs pursuant to Rule 60(b)(6) F.R.C.P. seek to have the Order (Doc.
#102) entered on March 30, 2007, set aside.

As grounds for their motion, they would show the following:

1. The issue is not moot, since Defendants have failed to produce **all** computer files, indexes for Larry Butler, Dene Cleveland, Bobby Ziegler, Janie McAlpine, Angel Garrett and Gloria Goodson.

2. The only computer file indexes provided to Plaintiffs were the computer file indexes on the folder entitled "My Computer". (See Exhibit "A", which is Plaintiffs letter dated March 15, 2007 and Exhibit "B", Affidavit of Scott Thomas)

3. The Defendants have failed to produce any computer indexes for Mrs. Cleveland and Mr. Ziegler, which shows the date the document was created. (See Exhibit "A" and Exhibit "B")

4. Further, Plaintiffs believe they are not required to provide instructions to Defendants on how to obtain computer files and indexes.

WHEREFORE, Plaintiffs request the Court to set aside its Order (Doc. # 102, dated March 30, 2007) and enter an Order requiring the Defendants to produce all computer indexes pursuant to their request.

/s/Michael J. Crow
MICHAEL J. CROW (CR039)
Attorney for Plaintiffs

OF COUNSEL:

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, AL 36103-4160
(334) 269-2343

/s/Robert D. Drummond
ROBERT D. DRUMMOND (DRU004)
Attorney for Plaintiffs

OF COUNSEL:

Attorney at Law
323 De LaMare
Fairhope, AL 36532
(251) 990-6249

CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of April, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Terry Wright, AIS 247561
Limestone Correctional Facility, Dorm 16
28779 Nick Davis Road
Harvest, Alabama 35749-7009

Katherine Hortberg
Mark Boardman
Boardman, Carr, Reed, Hutcheson
Post Office Box 382886
Chelsea, Alabama 35238-2886

Robert D. Drummond
Attorney at Law
323 De LaMare
Fairhope, AL 36532

/s/Michael J. Crow
OF COUNSEL